

Remarks/Arguments

Entry of the foregoing amendments and reconsideration of the application is respectfully requested. Claims 1, 2, 6 – 8, 11 – 15, 17 – 27, 33, 35 - 46 are pending in this application. Claims 1, 6 – 8, and 33 have been amended. Claims 6 – 10, 13, 21 – 26 are withdrawn from consideration. Claims 44 – 46 have been added. Claim 44 is based on previous claim 1; claims 45 and 46 are based on former claim 7.

In the Office Action, the Examiner rejected Claims 1, 2, 11, 12, 14, 15, 17-20, 27, 33, and 35-43 under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 6,004,538 to Hughes et al. (“Hughes”) in view of U.S. Patent No. 4,568,540 to Asano et al. (“Asano”).

I. Examiner Interview

Applicants’ representative would like to thank Examiner Fubara for the courtesies extended in the telephonic interview held on December 7, 2010. The references were discussed and the amendments to the claims were discussed with respect to defining the phosphonic acid to one that is not taught by Hughes. No agreement was reached.

II. Rejection of Claims 1, 2, 11, 12, 14, 15, 17-20, 27, 29, and 33-43 in view of Hughes and further in view of Asano

The Examiner considers that Hughes discloses the claimed composition, and while teaching that the composition can be acidic, does not specifically teach a pH of from 1.5 to 3.5 or from 2 to 3. Asano is cited for teaching that the dentifrice composition should be maintained at an acidic pH of 3.5 to 6 in order to permit the fluoride to remain in solution instead of precipitating. The Examiner considers a pH range of from 3.5 to 6 to overlap a pH range of from 1.5 to 3.5 so that it would have been obvious to modify the pH of the Hughes composition with the expectation of maintaining the fluoride and zinc ions in solution, as taught by Asano. Based upon the proposed combination of references, the Examiner further considers the artisan would have been motivated to maintain the pH of the composition at acidic pH in order that the fluoride can be maintained in solution as a low pH is expected to maintain the fluoride and zinc ions in solution. For the reasons set forth below, the rejection is respectfully traversed.

The claimed invention is now directed to liquid compositions for desensitizing teeth which comprise a particular phosphonic acid, as set forth in claim 1, an organic polymer which has carboxyl and/or hydroxyl groups, a film forming component, and a solvent. According to

claim 1, as amended above, the pH value of the composition is in the range of from 2 to 3. None of the cited references teach the composition, as claimed. Thus, the proposed combination of Hughes and Asano would not render obvious the presently claimed invention.

Accordingly, it is believed that claims 1, 2, 11, 12, 14, 15, 17-20, 27, 29, and 33-43 specify patentable subject matter and are now in condition for allowance. Applicants therefore respectfully request favorable reconsideration and allowance of this application. The Examiner is requested to telephone applicant's attorney at the number listed below if it will advance the prosecution of this case.

Respectfully submitted,

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By: /Ann M. Knab/
Ann M. Knab
Reg. No. 33,331

IVOCLAR VIVADENT, INC.
175 Pineview Drive
Amherst, New York 14228
(203) 453-1892
ann.knab@ivoclarvivadent.com